(8)

cf-10

Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO. 3753 /2004

PETITIONER

P.R. No. 3753/04
Presented by Shri Sanjeev Mishra
dated 06/X/04

Dr. Arkhit Kumar Mishra, aged about 58 years and 6 months, posted at Medical Officer, District Jail, Raigarh (Chhattisgarh).

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, through : The Secretary, Department of Health and Family Welfare, D.K.S. Bhawan, Raipur (Chhattisgarh)

2. The Civil Surgeon cum Chief Medical Superintendent K.G.H. District Hospial, Raigarh (Chhattisgarh)

RECEIVED COPY
06/X/04
Clerk to A.G. Bilaspur

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA, FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS ETC. AND FOR APPROPRIATE ORDER / ORDERS, DIRECTION / DIRECTIONS.

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 3753/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

01-11-2004

Shri Rajesh Pandey, Counsel for the petitioner.

Shri V.V.S. Murthy, Dy. Advocate General with Shri Akhil Agrawal, Panel Lawyer for the State.

Application for urgent hearing is allowed.

Heard.

Learned counsel for the petitioner submits that the matter relates to transfer of the petitioner. He further submits that the petitioner is 1½ year left for his retirement and he has been transferred malafidely in the fag end of his service. He also submits that the petitioner is a Senior Grade-I Medical Officer and cannot be transferred to serve under the Chief Medical and Health Officer. He also submits that for the present the petitioner may be given an opportunity of filing the detailed representation before the competent authority of the respondents, which shall be considered on its own merits in accordance with law.

Having considered the facts and circumstances and without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice will be served if a direction is given to the petitioner to make a detailed representation raising his grievances before the competent authority of the respondents along with a copy of the petition and this order, within 10 days, and on such representation being filed, the competent authority of the respondents shall

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

WP 3753/04

मामला क्रमांक ..... **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	decide the same on its own merits in accordance with law by a reasoned order as early as possible preferably within six weeks from the date of receipt of the representation. It is made clear that if any grievance still remains, the petitioner may avail the remedy available under the law. **Counsel for the petitioner submits that the petitioner has not been relieved so far. He prays for stay till the representation is decided.** **In view of the facts and circumstances of the case, it is directed that till the representation is decided, if the petitioner is not relieved, he be allowed to continue.** **With the aforesaid observations, this petition stands disposed of.** **Consequently M.W.P.No.4172/2004 also stands disposed of.** **Certified copy as per rules.** **Sd/-** **Fakhruddin** **Judge**	

Gowri